

86 1668<sup>(2)</sup>

No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

APR 16 1987

JOSEPH F. SPANIO, JR.  
CLERK

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IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1986

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ARNOLD L. VIA,

Petitioner

v.

DONALD E. WILLIAMS, Commissioner

and

COMMONWEALTH OF VIRGINIA  
Division of Motor Vehicles,

Respondents

---

PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF VIRGINIA

---

APPENDIX

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H. Watkins Ellerson, III  
P.O. Box 1080  
Orange, VA 22960  
(703) 672-2109  
Counsel for Petitioner

39 pp



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VIRGINIA:

In the Supreme Court of Virginia held at the  
Supreme Court Building in the City of Richmond on  
Tuesday the 18th Day of November, 1986.

Arnold L. Via,

against            Record No. 860438

Appellant,

Donald E. Williams,  
Commissioner, et al.,

Appellees.

From the Circuit Court of Augusta County

Upon review of the record in this case and  
consideration of the argument submitted in sup-  
port of and in opposition to the granting of an  
appeal, the Court is of opinion there is no  
reversible error in the judgment complained of.  
Accordingly, the Court refuses the petition for  
appeal.

A Copy,  
Teste:

David B. Beach, Clerk

By:

Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 16th day of January, 1987.

Arnold L. Via,	Appellant,
against	Record No. 860438
Donald E. Williams,	
Commissioner, et al.,	Appellees.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 18th day of November, 1986, and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Clerk

TWENTY-FIFTH JUDICIAL CIRCUIT  
OF VIRGINIA

Thomas H. Wood  
Augusta County Courthouse  
P. O. Box 689  
Staunton, Virginia 24401  
(703) 885-8931

November 14, 1985

H. Watkins Ellerson, III, Esquire  
Carter and Ellerson  
P. O. Box 31  
Orange, VA 22960-0023

The Hon. Jeffrey A. Spencer  
Assistant Attorney General  
Office of the Attorney General  
of Virginia  
101 North Eighth St.  
Richmond, VA 23219

Re: Arnold L. Via v. Donald E. Williams,  
Commissioner, et al

Gentlemen:

First, I would like to apologize to you for my inexcusable delay in advising you of my decision. Both of you filed your briefs in accordance with the time schedule established, but, as a result of a breakdown in communications between the Clerk's Office and my office, I was not aware until recently that the briefs had been filed.

In order to explain my decision, a brief recitation of what I view as the relevant facts would appear to be appropriate.

Mr. Via acquired a "Communiplate" reading "ATH-EST" from the Division of Motor Vehicles in 1982. Mr. Via is an atheist, and he acquired this particular license plate for the purpose of publicly expressing his views. An unnamed citizen, claiming to be offended by this license plate, registered a formal complaint with the Division of Motor Vehicles in 1985. As a result of this complaint, the Division is attempting to repossess this plate. The DMV has offered to give Mr. Via another "Communiplate" or, in the alternative, issue a "regular" license plate and refund the extra fee to him.

The sale of "Communiplates" generates substantial revenue for the Commonwealth. The popularity of these plates is increasing annually, and the plates are aggressively marketed by the Division.

The Commissioner has appointed an informal committee to regulate the permissible content of these plates. So far as is relevant to this case, the Commissioner maintains that he will permit no "Communiplate" expressing any type of religious belief. The weight of the evidence would tend to support the Commissioner's position on this point, although he apparently has tried to draw some distinction between gods he categorizes as mythological and those which do not fit into this category. The Commissioner openly admits that license plates which violate his policy have been issued by accident. In those cases, nothing is done until a complaint is received.



By statute, every motor vehicle to be operated on the highways of this State must be registered. Section 46.1-41 of the Code of Virginia. The Division of Motor Vehicles is required to furnish license plates to every owner whose motor vehicle is registered, and that motor vehicle cannot be operated without those license plates being displayed. Section 46.1-99. The only statutory requirements for these license plates and decals is that they display the name of the state, the registration number assigned to that motor vehicle and the year or month and year issued, and that these plates be clearly visible. The license plates and decals issued by the Division remain the property of the Division. Section 46.1-102. With a few exceptions (see e.g. sections 46.1-104.1 through 46.1-105.13), the decision as to whether to issue any "Com-muniplates" at all is left to the discretion of the Commissioner. Section 46.1-105.2(a). Considering these Sections together, it is apparent that any license plate issued remains the property of the division, and that the make-up of the plates issued is left almost entirely to the discretion of the Commissioner. Accordingly, it is my opinion that no person has any statutory "right" to any particular license plate.

As Mr. Ellerson so very ably demonstrated, the Virginia Constitution and Statute of Religious Freedom afford to the citizens of this Commonwealth absolute freedom from governmental influence upon their beliefs and opinions concerning religious matters. Virginia Constitution, Article I, Section 16, Virginia Code, Section 57-1. Accordingly, neither the Commissioner nor any other agency or official of the govern-

ment can prevent Mr. Via from holding and espousing any belief he may have concerning religion. Similarly, the Commonwealth could not require him to express a belief with which he disagreed. Virginia Code Section 57-1, Wooley v. Maynard, 430 U.S. 705 51 L.ED.2d 752 (1977). However, in this case, Mr. Via seeks to use State property to express his beliefs, and he is asking this Court to enjoin the Commissioner of the Division of Motor Vehicles from exercising the discretion reposed in him by the General Assembly.

Based on the evidence, the Court is satisfied that the Commissioner has adopted a policy, the proper execution of which would prevent the display of any type of religious belief upon a license plate issued by the Division. There is no basis in the evidence for a finding that the Commissioner has singled out Mr. Via for special treatment because of his beliefs concerning religion. Accordingly, it is my view that there simply is no constitutional issue involved in this case.

Furthermore, it is my opinion that there is no significance to the distinction between refusing to issue a particular license plate and repossessing one previously issued. As previously pointed out, the license plates are State property and were furnished to Mr. Via pursuant to statutory requirement. Since the Division has no basis to revoke the registration issued to this motor vehicle, it is obligated to issue new license plates to Mr. Via when the ones previously issued are repossessed.

Accordingly, it is my opinion that the

prayer of the Petition for an Injunction filed by Mr. Via should be denied, and that the Petition should be dismissed. I would appreciate it if Mr. Spencer would prepare an appropriate Order, submit it to Mr. Ellerson for his endorsement, and, in turn, submit it to me for entry. This Order should authorize the Division to retrieve the license plates in question and should direct the Division to replace these plates with ones that are suitable. This Order should contain a provision noting Mr. Via's objection to the action of the Court.

Sincerely yours,

Thomas H. Wood

THW/gl

TWENTY-FIFTH JUDICIAL CIRCUIT  
OF VIRGINIA

Thomas H. Wood  
Augusta County Courthouse  
P. O. Box 689  
Staunton, Virginia 24401  
(703) 885-8931

December 13, 1985

H. Watkins Ellerson, III, Esquire  
Carter & Ellerson  
P. O. Box 31  
112 Belleview Avenue  
Orange, VA 22960-0023

The Hon. Jeffrey A. Spencer  
Assistant Attorney General  
Office of the Attorney General  
Supreme Court Building  
101 North Eighth Street  
Richmond, VA 23219

Re: Arnold L. Via v. Donald E. Williams,  
Commissioner

Gentlemen:

Please excuse my delay in responding to your earlier correspondence.

As previously stated, it is my view that the statutory scheme adopted by the General Assembly does not confer upon any person, with a few exceptions which are not relevant to this case, any

right to any particular tag. Furthermore, it is my opinion that no person has a constitutional right to use State property to espouse a particular religious belief. As adopted, these statutes do not give rise to any constitutional questions. Undoubtedly, the Commissioner can create problems of constitutional dimension for himself by adopting ill-advised policies. However, the evidence clearly established that he has not yet created any problems for himself.

For these reasons, it is my opinion that the Motion for Reconsideration should be denied.

Normally, an appellant is entitled to have the execution of the judgment from which he appeals suspended for a period of time sufficient to enable him to pursue his appeal. There is no reason not to do that in this case. However, the Order to be entered in this case simply denies Mr. Via's request for an injunction. The suspension of the execution of this Order will do nothing more than leave the parties where they were before this action was ever brought. The temporary Restraining Order which was previously entered in this case was for the sole purpose of maintaining the status quo until the matter could be heard in this Court. This temporary Restraining Order would not, in my view, continue in force once the final Order had been entered.

If you have any questions, please feel free to contact me. If not, I would appreciate it if Mr. Spencer would prepare an appropriate Order, submit it to Mr. Ellerson for his endorsement and, in turn, submit it to me for entry. this

-A10-

Order should note the complainant's exception to the ruling of the Court.

Sincerely yours,

Thomas H. Wood

THW/gl

-A11-

VIRGINIA: IN THE CIRCUIT COURT OF AUGUSTA COUNTY  
ARNOLD L. VIA,

Complainant,

v.

DONALD E. WILLIAMS, COMMISSIONER,

and

COMMONWEALTH OF VIRGINIA,  
DIVISION OF MOTOR VEHICLES,

Respondents.

ORDER

This matter came on to be heard on August 3, 1985, upon Complainant's Bill for Injunction and Respondents' Answer, upon evidence taken ore tenus, upon memoranda and reply memoranda filed by counsel for the parties, and upon argument of counsel.

Upon consideration whereof, for reasons stated more fully in this Court's letter opinion dated November 14, 1985, the Court finds as fol-

lows: (1) that license plates issued by the Commissioner remain the property of the Commonwealth of Virginia pursuant to Va. Code § 46.1-102; (2) that the make-up of such plates is left almost entirely to the discretion of the Commissioner; (3) that no person has a statutory right to any particular license plate; (4) that the Commissioner has adopted a policy to prevent the display of any type of religious belief upon such license plates; (5) that there is no basis in the evidence for finding that the Commissioner has singled out Complainant for special treatment as to his license plates because of Complainant's beliefs concerning religion; and (6) that there is no significance to the distinction between refusing to issue a particular license plate and repossessing one previously issued.

Accordingly, the Court finds that although the Commonwealth cannot prevent Complainant from



holding and espousing any belief he may have concerning religion and cannot require Complainant to express a belief with which he disagrees, there is no violation of any of Complainant's constitutional or statutory rights in the repossession of his "ATH-EST" license plates under the circumstances existing in this case.

It is, therefore, ADJUGED, ORDERED and DECREED that the Petition for an Injunction filed by complainant be and the same is hereby denied and dismissed, to which action Complainant, by counsel, objects and excepts. Complainant's Motion for Reconsideration is also denied. Complainant's Motion to extend the temporary stay of Respondent's revocation of Complainant's license plate, which stay was entered July 1, 1985, is also denied and said temporary stay is hereby ended, the Court being of the opinion that it has no authority to grant a further stay under the

circumstances of this case.

The Clerk of this Court shall forward an attested copy of this Order to Assistant Attorney General Jeffrey A. Spencer, 101 North Eighth Street, Richmond, Virginia 23219.

ENTER: 2/24/86

T.H. Wood  
Thomas H. Wood, Judge

SEEN AND OBJECTED TO:

H. Watkins Ellerson, III, p.q.  
P. O. box 1080  
Orange, VA 22960  
(703 672-2109

A COPY:

TESTE: \_\_\_\_\_

Jeffrey A. Spencer, p.d.  
Assistant Attorney General  
101 North 8th Street  
Richmond, Virginia 23219

## COMMUNIPLATE

Communiplate vb--plated;--plating 1. to express a thought or idea on a Virginia license plate 1. to drive a vehicle which displays a set of CommuniPlates.

Drive Your Message Home.

Literally drive your message home with DMV's CommuniPlates.

They're special reserved license plates you can create yourself using all letters, all numbers or a combination of both, whatever you choose to get your message across.

If you've never communiplated before, or even if you think you're a master communiplator, follow our suggestions, and you'll be on the road to better communiplations in no time.

CommuniPlate Basics.

- \* Available for passenger vehicles only.
- \* May be composed of 2-6 letters and/or numbers.
- \* Use half a space anywhere in the combination (optional).
- \* No punctuation or symbols.
- \* Cost \$10 annually in addition to registration fees. (A real bargain if you consider people in Hawaii pay \$100 a year for special plates.)

Use your imagination.

Think of a message you'd like to communiplate to other motorists. You could tell people who you are GEORGE, what you do DOCTOR, what you like

SAIL 81, or don't like NO TAX, where you live GRUNDY, where you went to school G MASON, or what you do in your spare time GO RAMS. You might even communiplate witty remarks and pleasantries HOWR U or advertise your business PIZZA 1.

Create a plate!

Write your own unique license plate, following the basic guidelines above. If your message is too long, try substituting a letter or number for a word or part of a word. for example, "B" could mean be or bee, "C"--sea or see, "I"--eye or aye, "R"--are or er. Number 2 could mean to or too, 4 could be for or fore, and 8 could be used for "ate" as in CRE8. (Your former English teacher may cringe, but who cares as long as it fits!)

Reserve your CommuniPlate ASAP.

CommuniPlates are one-of-a-kind, so file your application quickly. You can find out immediately if your combination is available by applying in person at a nearby DMV branch office. Or, mail your application and find out in a few weeks. Application forms are available at all DMV offices. Be sure to indicate your top three choices. If someone else already has your first choice, you will get your second or third choice, if available.

Don't wait.

CommuniPlates can be reserved anytime, so you don't have to wait until your old plates expire. The annual \$10 reservation fee will be prorated according to the number of months remaining in

your registration period.

A bit of trivia.

License plate buffs may be interested to know that Virginia was the 48th state to offer reserved license plates composed of five or more letters and/or numbers. All 50 states now offer multi-letter plates.

According to available information, Connecticut was the first state to offer personalized license plates sometime around 1937; California has issued the most--about 900,000 are currently valid, and Hawaii and North Dakota have the most expensive--\$100 a year, in addition to registration fees.

COMMONWEALTH OF VIRGINIA  
Division of Motor Vehicles  
2300 West Broad Street

April 16, 1985

Mr. Arnold L. Via  
Route 1, Box 343B  
Grottoes, VA 24441

Dear Mr. Via:

It has been brought to our attention that you have been issued license plates ATH-EST. The complainant believes that this refers to "atheist" and is offended that we allow such a license to be displayed.

It is our policy not to issue license that may be offensive to any person or group of persons. Therefore, you are requested to select another Communiplate by completion of the attached application and return it to this office with a copy of this letter. If your choice is available, we will issue the license without any cost to you.

If you do not wish another Communiplate, please advise so that we may issue a regular series license and we will refund a portion of the reserved license fee previously paid by you.

Sincerely,

B. F. Moore, Assistant manager  
Titles and Registration Department  
BFM/dcl

COMMONWEALTH of VIRGINIA  
Division of Motor Vehicles  
2300 West Broad Street

May 13, 1985

Mr. Arnold L. Via  
Prison Atheist League of America, Inc.  
Route 1, Box 580  
Grottoes, Virginia 24441

Dear Mr. Via:

This is in response to your letter of April 22 concerning my request for you to make another selection for your communiplates.

For the same reason that we do not issue any license referring to a diety, we should also not issue licenses referring to a non-diety as either group may be offended by the other.

Please execute the enclosed application indicating some other choice for communiplates and return to me within forty-five (45) days so we may issue you another set of license plates. if you do not desire another set of communiplates, please advise me so that I may have license plates of the general series issued and refund that portion of the reserved fee due to you.

Thank you for your attention to this matter.

Sincerely,

B. F. Moore, Assistant manager  
Titles and Registration Division  
BFM/rj

VIRGINIA IN THE CIRCUIT COURT OF AUGUSTA COUNTY:

ARNOLD L. VIA

Complainant

v.

DONALD E. WILLIAMS, Commissioner  
and  
COMMONWEALTH OF VIRGINIA,  
Division of Motor Vehicles  
2300 West Broad street  
Richmond, VA

Respondents

BILL FOR INJUNCTION

Comes now Complainant, by counsel, who moves  
the Court for the following relief:

1. Complainant is a resident of Augusta  
County, Virginia, who has had issued to him  
by Respondents a Virginia motor vehicle  
license plate, "ATH-EST."
2. By letter dated May 13, 1985, B. F.  
Moore, agent for Respondents, advised Com-  
plainant that his license plate would be  
revoked within 45 days of said date (by June



27, 1985) if said plate was not returned. By earlier letter dated April 16, 1985, the said B. F. Moore had advised Complainant that the plate was deemed offensive by an undisclosed individual who had apparently filed a complaint with Respondent Division of Motor Vehicles.

3. In the letter of May 13, 1985, the said B. F. Moore advised Complainant that, because the plate referred to a "non-diety" it would have to be returned, as plates were not issued which referred "to a diety." Copies of said letters are attached hereto.

4. Respondents' actions in this matter, if carried to their ultimate ends, would constitute action pursuant to an unlawful establishment of religion in violation of the First Amendment to the United States Constitution, Article I, Section 16 of the

Constitution of Virginia and Virginia Code Section 57-1 and 57-2, as amended.

5. Respondents' prospective actions are also a restraint on Complainant's right to freedom of speech and publication in violation of the First Amendment of the United States Constitution and Article I, Section 12 of the Constitution of Virginia.

6. Respondents' prospective actions are also in furtherance of a deprivation of Complainant's right to due process of law and freedom from governmental discrimination upon the basis of religious conviction (or lack thereof), in violation of the First, Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 11 of the Constitution of Virginia.

7. The grounds for relief alleged by Complainant herein are alleged in the disjunc-

tive as well as the conjunctive, any of them being sufficient, standing alone, to provide Complainant's relief as requested below.

8. The enabling statute under which Respondent Commissioner has issued the plate to Complainant, Virginia code Section 46.1-105.2, as amended, does not set forth any restrictive grounds for qualified issuance of reserved license plates as claimed by Respondents' agent, B. F. Moore, in his letters to Complainant. Therefore, Respondents to not have the statutory authority to revoke Complainant's license plate for the grounds so stated. Further, there is no statutory authority for Respondents to revoke said plates on the grounds enumerated by Respondents' agent in his letters to Complainant.

9. Assuming, arguendo, that said plates are

issued by Respondents at will and may be revoked at will, nevertheless, their actions as contemplated are pursuant to the prohibited purposes as alleged above.

10. The threatened actions by Respondents against Complainant constitute a clear and present danger that Complainant will not be able to operate his motor vehicle lawfully on the highways of this State pending final determination of this matter; therefore, the reasonable and appropriate relief for Complainant is the issuance of temporary and permanent injunctions against Respondents.

11. Respondents' threatened actions as alleged herein constitute a willful, deliberate and wanton disregard of Complainant's constitutional and statutory rights as guaranteed by the authorities cited above, which, therefore, entitle Complainant to

recovery of actual compensatory damages and punitive damages, as well as attorney's fees for having to institute and conduct this suit to protect his rights thereunder.

WHEREFORE, Complainant asks for an immediate temporary injunction against Respondents prohibiting them from revoking or seizing his license plates pending the resolution of this suit; that Complainant be awarded a permanent injunction prohibiting Respondents from revoking or seizing his license plates; that Complainant be awarded compensatory damages of \$500.00 as a result of the time and expense involved in responding to Respondents' threats; that Complainant be awarded punitive damages against Respondents in the amount of \$10,000.00 for willful, deliberate and wanton disregard and violation of his constitutional and statutory rights; and that Complainant be awarded attorneys fees

and the costs of these proceedings.

ARNOLD L. VIA

BY: \_\_\_\_\_ p. q.

I hereby certify that a copy of the foregoing was mailed to Respondents at the above address, and to the Office of the Attorney General, Supreme Court Building, Richmond, Virginia 23219 on the \_\_\_\_ day of \_\_\_\_\_, 1985.

---

CARTER & ELLERSON

Attorneys and Counsellors at Law

H. Watkins Ellerson, III  
Henry Lee Carter

---

Timothy K. Sanner

August 26, 1985

Jeffrey A. Spencer, Esquire  
Assistant Attorney General  
Supreme Court Building  
Richmond, VA 23219

Re: Via v. DMV

Dear Mr. Spencer:

This will confirm my visit with Paula Kripaitis on Friday, August 23, to review with her some of the plates that have been issued with an arguably religious theme. I trust that we can stipulate that the following plates are currently issued and outstanding:

SAVED, CLERGY, PRAY, PRAYER, HE IS,  
XMAS, RISEN, PTL, DEACON, YESHUA, ZEUS,  
ISLAM, HINDU, JIHAD.

In our last conversation I told you that we would wish to defer a court decision on the issue of damages until the basic issue of the injunction is decided by a higher court, inasmuch as both of us have indicated an intent to appeal an adverse

-A28-

decision from the trial court. In any event, we will need to amend our complaint to allege the specific federal statutory grounds for recovery of damages. I hope you will agree to that.

We will also excuse Mr. Stein from his subpoena. Thanking you in advance for your cooperation, I am

Very truly yours,

H. Watkins Ellerson, III

cc: Mr. Arnold L. Via



Transcript at p. 3 D. WILLIAMS - DIRECT

Q. Now, you never had any formal regulatory process, whereby a formal regulation was issued, establishing the guidelines for this process, have you?

Williams: I would say no formal process, other than the fact that we tried to draw on experience from other states, and what combination of numbers that they saw fit to screen out.

Transcript at pp. 10-13 D. WILLIAMS - DIRECT

Q. Do you consider the "ATH-EST" plate to be offensive?

A. Yes, I do.

Q. Is that based on your personal religious convictions?

A. No, it's not based on my personal religious convictions.

Q. Okay. To whom is it offensive?

A. It's offensive to several people that have discussed it in the community at large. And I say the community at large is probably surrounded around where Mr. Via might reside, that they see this license plate daily, or frequently they actually see it on the road.

Q. Are you saying that you've gotten more than one complaint?

A. The. . .The complaint was registered through an individual, based on citizens complaining to that individual, and it registering--coming to my office.

Q. And...

A. In other words, it only takes one complaint to come to my office before it gets acted on.

Q. I understand.

A. If I would have had...If I would have had one complaint, if it hadn't have been from this community at large, if it was in--could have been

in Norfolk--if that community complained to me about that license plate...And once I saw that license plate being issued, then I would have acted to have had that license plate recalled, the same as I did recently.

Q. Are these...So...So you were told, in a secondhand fashion, by the unknown, undisclosed complainant...

A. It was...It was offensive to this individual, also.

Q. I understand that. But you were also told by this individual that there were others who were similarly offended?

A. Yes.

Q. And then, on the basis of this report of several people being offended, you determined, in your own standards, that it was offensive personally to you, as well?

A. I would say that, based on what I consider

to be Virginian, and based on the rationale about our license plate system, I would have considered it to be offensive; yes.

Q. Now, you indicate in your memorandum--you-all have argued that you should have complete discretion as to what you will and will not issue, under the reserved license plate section...That is your opinion, is it...That is your position, is it not?

A. That is my position; yes.

. . . .

Q. Well, my question is, should the Commissioner, in this case--are you asking the Courts to find that the Commissioner should have absolute total discretion and control over the combinations to be issued on these plates, without having to be confined by, or restricted by, or made reference to, any external standards to go by? That the personal, individual discretion

of the Commissioner should be the sole deciding factor?

A. I believe that is a responsibility that's been spelled out in the Motor Vehicle statute, that would give the Commissioner of Motor Vehicles that responsibility.

Q So your answer is--to my question is yes?

A. That's correct.

### ASSIGNMENTS OF ERROR

1. The trial court erred in denying the permanent injunction against the revocation of the Plate because:

- a. The procedure followed and standards set for the attempted revocation of the Plate are inadequately established in law, are void for vagueness and thus constitute a denial of due process to which Mr. Via is entitled under Amendments V and XIV of the U.S. constitution and Article I, §11 of the Constitution of Virginia.
- b. The attempted revocation of the Plate is an unlawful establishment of religion in violation of the First and Fourteenth Amendments to the U.S. Constitution, Article I, §16 of the Constitution of Virginia, and Va. Code §57-1.
- c. The attempted revocation of the Plate is an

unlawful interference with the free exercise of Mr. Via's beliefs concerning religion in violation of the foregoing authorities and the Ninth and Tenth Amendments to the U.S. Constitution and Article I, §17 of the Constitution of Virginia.

- d. The Plate is a protected medium of expression created and encouraged by the Commonwealth of Virginia and its authorized agencies and deputies and is available to Mr. Via as such, within the meanings of the First Amendment to the U.S. Constitution and Article I, §12 of the Constitution of Virginia.

2. The trial court erred in denying Mr. Via's request for a temporary injunction prohibiting the Plate's revocation pending appeal, having the authority to do so on conditions, notwithstanding the entry of the final Order

-A36-

denying the permanent injunction.



